

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT LEE KIMMELL,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:11-cv-00311-LRH-WGC

ORDER

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. On October 14, 2011, this court granted respondents' motion to dismiss in part because the petition contained some unexhausted claims (ECF #18). On November 19, 2011, petitioner filed a declaration in response this court's Order that indicates that he wishes to have his federal petition dismissed while he returns to state court to attempt to exhaust his unexhausted claims (ECF #19).

IT IS THEREFORE ORDERED that the petition (ECF #6) is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk shall **ENTER JUDGMENT** accordingly and close this case.

Dated this 30th day of January, 2012.

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE